

CJA Vouchering Procedures

Clerk's Office Functions/Initial Appointment

- Maintain Panel Attorney Assignment lists :
 - “List Keepers” in each vicinage
 - Random rotation of names based on availability
 - Direct Assignments made by Judges based on attorney's experience and complexity of case
 - Prepare, file and docket assignment voucher/order (CJA 20/30 form)

Clerk's Office Functions / Voucher review

- Mathematical and Technical review of all vouchers submitted for payment PRIOR to submission to Judge for consideration
- Voucher forms completed and signed; billing records, invoices, receipts (if necessary) supplied; prior authorizations obtained (if required)
- Submit to District or Magistrate Judge for review and approval, and to Circuit designee (if required)

Investigative, Expert and Other Services

- Services necessary for an adequate representation, paid for out of appropriated funds (CJA 21/31 forms)
- If anticipated costs for a service exceeds \$500, prior authorization must be obtained, unless a Judge finds that timely procurement of necessary services could not await prior authorization
- If total compensation to a service provider exceeds \$1,600, payment requires Circuit review and approval

Common Vouchering Problems

- CJA 20/30 vouchers :
 - Vouchers should be submitted within 30-45 days from end of service
 - Billing sheets should be separated by categories as broken down on voucher form, with subtotals
 - Hours must be in tenths (i.e., 2.8 hrs, not 2.75 hrs)
 - Split Rate Worksheet required if different hourly rates apply

<div style="background-color: #ADD8E6; padding: 2px;">\$90.00 Per Hour Effective 5/01/2002</div>			
CLAIM FOR SERVICES			
CATEGORIES	HOURS CLAIMED		
15 In	a.	Arraignment and/or Plea	
	b.	Bail and Detention Hearings	
	c.	Motion Hearings	
	d.	Trial	
	e.	Sentencing Hearings	
	f.	Revocation Hearings	
	g.	Appeals Court	
	h.	Other (Specify on Additional Sheets)	
TOTAL IN \$ _____		Hours	
16 Out	a.	Interviews & Conferences	
	b.	Obtaining & Reviewing Records	
	c.	Legal Research & Brief Writing	
	d.	Travel Time	
	e.	Investigative & Other Work (Specify on Additional Sheets)	
TOTAL OUT \$ _____		Hours	

<div style="background-color: #ADD8E6; padding: 2px;">\$92.00 Per Hour Effective 1/01/2006</div>			
CLAIM FOR SERVICES			
CATEGORIES	HOURS CLAIMED		
15 In	a.	Arraignment and/or Plea	
	b.	Bail and Detention Hearings	
	c.	Motion Hearings	
	d.	Trial	
	e.	Sentencing Hearings	
	f.	Revocation Hearings	
	g.	Appeals Court	
	h.	Other (Specify on Additional Sheets)	
TOTAL IN \$ _____		Hours	
16 Out	a.	Interviews & Conferences	
	b.	Obtaining & Reviewing Records	
	c.	Legal Research & Brief Writing	
	d.	Travel Time	
	e.	Investigative & Other Work (Specify on Additional Sheets)	
TOTAL OUT \$ _____		Hours	

<div style="background-color: #ADD8E6; padding: 2px;">\$94.00 Per Hour Effective 5/20/2007</div>			
CLAIM FOR SERVICES			
CATEGORIES	HOURS CLAIMED		
15 In	a.	Arraignment and/or Plea	
	b.	Bail and Detention Hearings	
	c.	Motion Hearings	
	d.	Trial	
	e.	Sentencing Hearings	
	f.	Revocation Hearings	
	g.	Appeals Court	
	h.	Other (Specify on Additional Sheets)	
TOTAL IN \$ _____		Hours	
16 Out	a.	Interviews & Conferences	
	b.	Obtaining & Reviewing Records	
	c.	Legal Research & Brief Writing	
	d.	Travel Time	
	e.	Investigative & Other Work (Specify on Additional Sheets)	
TOTAL OUT \$ _____		Hours	

<div style="background-color: #ADD8E6; padding: 2px;">\$100.00 Per Hour Effective 1/01/2008</div>			
CLAIM FOR SERVICES			
CATEGORIES	HOURS CLAIMED		
15 In	a.	Arraignment and/or Plea	
	b.	Bail and Detention Hearings	
	c.	Motion Hearings	
	d.	Trial	
	e.	Sentencing Hearings	
	f.	Revocation Hearings	
	g.	Appeals Court	
	h.	Other (Specify on Additional Sheets)	
TOTAL IN \$ _____		Hours	
16 Out	a.	Interviews & Conferences	
	b.	Obtaining & Reviewing Records	
	c.	Legal Research & Brief Writing	
	d.	Travel Time	
	e.	Investigative & Other Work (Specify on Additional Sheets)	
TOTAL OUT \$ _____		Hours	

Combined Total In Court _____
Combined Total Out of Court _____
Travel Expenses _____
Other Expenses _____
GRAND TOTAL CLAIMED

Date Submitted _____

Common Vouchering Problems continued (CJA 20/30):

- Excess compensation memorandum required if claimed compensation for the representation exceeds case maximums (CJA 26 form on website). This is also required and reviewed by Circuit designee.
- Expenses :
 - Utilize correct mileage rate (chart available on our website)
 - Travel expenses should be totaled separately and entered on line 17 of the voucher
 - Receipts required for individual expense items of \$50 or more, and for all travel expenses (tolls, parking, etc.)

Common Vouchering Problems continued:

- CJA 21/31 forms (Investigators, Experts, etc.)
 - Authorizations must be executed on form (Sections 12-15) or supply a copy of order attached. Should include the estimated total cost and amount and anticipated hourly rate (if applicable)
 - Invoices of service provider are often not attached. Invoices should be detailed (hours, travel expenses including mileage, etc.)
 - It's the panel attorney's responsibility to ensure that the cja 21/31 voucher form is completed correctly and that the claimed amounts are reasonable and accurate

Interim Billing Procedure

- When considered necessary and appropriate in a specific case, with court approval.
- Interim billing order on our website
- “Interim” vouchers submitted during course of the representation, $1/5^{\text{th}}$ (20%) of attorney service claims are withheld, expenses paid in full
- Interim vouchers must be submitted through ending date of service

Interim Billing Procedure, cont.

- “Final” voucher submitted details the time and expenses claimed for the entire case, including copies of supporting documentation from the interim vouchers
- The 1/5th withheld is released upon final approval of District/Magistrate Judge and Circuit Judge designee

Capital Case Representations

- CJA 30/31 forms utilized.
- Interim billing / Capital Case Interim Order needed
- No 20% withholding or Circuit approvals needed for attorney vouchers (CJA 30)
- If the total costs of ALL expert, investigative and other services combined are anticipated to exceed \$7,500, advanced authorization from District Judge and certification by Chief Judge of USCA needed required

CJA Transcripts

- CJA 24 form
 - Must be authorized by presiding judge
 - Special authorizations for delivery other than ordinary (14 day; Expedited; Daily; Hourly; Realtime) and for certain trial transcripts (Opening Statement, Voir Dire, etc.)
 - Panel Attorney's obligation to obtain authorizations and to certify that the page rates and delivery schedules referenced on voucher are accurate and were adhered to

Miscellaneous Issues

- Fees not payable out of CJA Appropriations :
 - Witness fees, travel costs and expenses for service of subpoenas (Rule 17, Fed.R.Crim.P and 28 U.S.C. 1825)
 - General Office overhead; items of a personal nature purchased on behalf of person represented
 - Filing fees or PACER fees (panel attorney should obtain a login and password as a CJA attorney from the PACER Service Center)
 - Travel, housing or subsistence of represented party not in custody (contact US Marshal's Service for information)

Miscellaneous Issues cont.

- Change of address, firm, tax identification
 - Notify CJA Administrator in your vicinage. Pending representations may need to be processed.
 - Supply updated Panel Attorney Information Sheet

Attorney/Interpreter Audit

- A.O. evaluation of voucher processing between attorneys and interpreters and to identify overpayments and system deficiencies
- Findings indicated deficiencies in both preparation and review of CJA vouchers and payment system design

Audit

Findings/Attorney/Interpreters

- Lack of familiarity with administrative matters related to voucher preparation and review
 - *Suggested Action*
 - Provide instructions to voucher forms or provide access on internet
 - Distribution of “Interpreter Fact Sheet” and Panel Attorney Fact Sheet
 - Training in voucher preparation
- Failure to maintain adequate documents to support or verify payment
 - *Suggested Action*
 - Provide instructions to voucher forms, communicate with counsel, return deficient vouchers
 - Maintain contemporaneous time and attendance records and expense records for three (3) years

Audit

Findings/Attorneys/Interpreters

- Double billing of travel time and expenses when traveling to detention facilities for more than one client

- *Suggested Action :*

Spot auditing of vouchers of high volume attorneys and interpreters

Audit

Findings/Attorneys/Interpreters

- Some panel attorneys pre-sign the cja 21/31 certification that services have been rendered BEFORE the interpreter enters the payment claim information
- Some overstatement of mileage and travel time
 - *Suggested Action :*
 - Strengthen review procedure by referring to Internet mapping tools
 - Panel attorneys and interpreters should be given an opportunity to address concerns prior to reductions

Audit

Findings/Attorneys/Interpreters

- Double Billings for interpreter services for half or full day work for different court units (Panel Attorneys, Court, Probation, Pretrial, Public Defender)
- *Suggested Action :*
 - Develop tracking systems to detect overlapping claims

Audit

Findings/Attorneys/Interpreters

- Inconsistent interpreter pay rates
 - In districts without established rates for CJA services, some panel attorneys did not understand their responsibility to negotiate a rate
 - *Suggested Action :*
 - Courts should establish compensation policies (half-full day, or hourly compensation)

2008 FEES FOR CONTRACT COURT INTERPRETERS

Federal Certified and Professionally Qualified Interpreters Rates:	
Full Day	\$376
Half Day	\$204
Overtime	\$53 per hour or part thereof

Federal Language Skilled (Non-Certified) Interpreter Rates:	
Full Day	\$181
Half Day	\$100
Overtime	\$31 per hour or part thereof

<u>New Jersey State Rates in Effect Court Year 2008-2009</u>						
Classification of Interpreter	Preparation Time (Hourly)	Interpreting on Site			Interpreting By Telephone	
		Half-Day	Full Day	Premium Time (Hourly)	First 30 Minutes	Each Additional 15 Mins.
Approved: Master	\$34.00	\$194.00	\$331.50	\$56.00	\$46.00	\$23.50
Approved: Journeyman	\$26.00	\$152.50	\$266.00	\$45.00	\$40.50	\$20.50
Conditionally Approved	\$17.00	\$103.00	\$192.00	\$34.00	\$29.00	\$15.00

January 28, 2009

Amendments to the CJA/Judicial Administration and Technical Amendments Act of 2008

- Case compensation maximums increased
- Effective date October 13, 2008. New maximums apply if appointed counsel furnished cja-compensable work on or after the effective date.
- Provides for case maximums to increase “simultaneously” with changes to hourly rate

Current Criminal Justice (CJA) Rates and Case Compensation Maximums

Hourly Rates for CJA Panel Attorneys (for services on or after January 1, 2008)

If a case is ...	The hourly rate maximum is...	Authority
Non-Capital	\$100	CJA Guidelines 2.22A(1)
Capital	\$170	CJA Guidelines 6.02A(1)
for service prior to 1/1/2008	see History of CJA Rates	

Waivable Case Compensation Maximums for Non-Capital Cases

If a case is ...	And services were completed...	
	Before October 13, 2008, the case maximum is...	On or after October 13, 2008, the case maximum is...
Felony (including pre-trial diversion of alleged felony)	\$7,000	\$7,800
Misdemeanor (including pre-trial diversion of alleged misdemeanor)	\$2,000	\$2,200
Proceeding under 18 U.S.C. § 4106A	\$1,500	\$1,700
Proceeding under 18 U.S.C. §§ 4107 or 4108 (for each verification proceeding)	\$2,000	\$2,200
Proceeding under 18 U.S.C. § 983	\$7,000	\$7,800
Post-conviction proceeding under 18 U.S.C. §§ 2241, 2254 or 2255	\$7,000	\$7,800
Proceeding under 28 U.S.C. § 1875		
Appeal (from felony, misdemeanor, proceeding under 18 U.S.C. § 4106A, 18 U.S.C. § 983, post-conviction proceeding under 18 U.S.C. §§ 2241, 2254 or 2255, and 28 U.S.C. § 1875)	\$5,000	\$5,600
Other representation required or authorized by the CJA (including, but not limited to probation, supervised release hearing, material witness, grand jury witness)	\$1,500	\$1,700
Appeal of other representation	\$1,500	\$1,700

Waivable Compensation Maximums for Services other than Counsel (e.g., investigators and experts):

Non-Capital Cases:		
With prior court authorization	\$1,600	CJA Guidelines 3.02
Without prior court authorization	\$500	CJA Guidelines 3.02

Capital Case:

For capital representations commenced, and capital appeals perfected on or after April 24, 1996, there is a waivable limit of \$7,500. The \$7,500 limit applies to the total payments for investigative, expert, and other services in a case, not to each service individually.

For services provided in earlier capital cases, please contact the [Legal and Policy Branch Duty Day Person](#) at 202-502-3030

CJA Case Budgeting

- Encouraged by Judicial Conference for eligible representations, (Capital Cases; Non-capital cases with anticipated expenditure of \$30,000 / 300 hours)
- Case budgets are designed to ensure that defense counsel receive the resources necessary to represent the accused effectively, while at the same time providing the court with sufficient information to access and monitor the expenditure of public funds
- Additional information and Worksheets are available

New A.O. Initiatives

- National CJA Voucher Training Program Working Group
 - Identify training needs, media, content and materials for all participants in the CJA payment process
- Electronic CJA Vouchering System
 - Replacement of the current labor-intensive, paper-based process, with a goal of reducing time spent by judiciary personnel and claimants

Rule 49.1. Privacy Protection For Filings Made with the Court

(a) Redacted Filings.

Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, a financial-account number, or the home address of an individual, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials;
- (4) the last four digits of the financial-account number; and
- (5) the city and state of the home address.

(b) Exemptions from the Redaction Requirement.

The redaction requirement does not apply to the following:

- (1) a financial-account number or real property address that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) the record of an administrative or agency proceeding;
- (3) the official record of a state-court proceeding;
- (4) the record of a court or tribunal, if that record is not subject to the redaction requirement when originally filed;
- (5) a filing covered by Rule 49.1(d);
- (6) a pro se filing in an action brought under 28 U.S.C. §§ 2241, 2254, or 2255;
- (7) a court filing that is related to a criminal matter or investigation and that is prepared before the filing of a criminal charge or is not filed as part of any docketed criminal case;
- (8) an arrest or search warrant; and
- (9) a charging document and an affidavit filed in support of any charging document.

Transcripts

- 90 Day Review Period.
- Review Transcript for personal Identifiers.
- File Notice of Intent to File Redaction.
- Submit Statement of Redaction.
- Federal Rule 5.2-Privacy Protection.
- Court Reporter/Transcription Service Redacts Transcript